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THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

In re Application of:
MEGERL, Walter, et al. :
Application No.: 10/566,106 : COMMUNICATION
PCT No.: PCT/IB2004/003043 :
Int. Filing: 28 July 2004 :
Priority Date: 28 July 2003 :
Attorney Docket No.: MERZ 48 PCT US :
For: THE USE OF 1-AMINO-ALKYL-
CYCLOHEXANE COMPOUNDS IN THE
TREATMENT OF PAIN HYPER-
SENSITIVITY :

On 01 November 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Defective Response" indicating that the declaration filed by applicants on 10 July 2006 was defective because it was not executed by Michael ALTHAUS; Mr. ALTHAUS had been listed as the fourth inventor herein on the published international application.

On 08 November 2006, applicants filed the response considered herein. This response states that Michael ALTHAUS was deleted as an inventor during the international phase of this application. Applicants enclosed a copy of a "Notification Of The Recording Of A Change" (Form PCT/IB/306) dated 21 June 2005 that confirms the removal of Mr. ALTHAUS from the present application.¹

Based on the above, the signature of Mr. ALTHAUS was not required on the declaration filed 10 July 2006. A review of this declaration confirms that the declaration satisfies the requirements of 37 CFR 1.497(d).

The "Notification Of Defective Response" mailed 01 November 2006, based as it was on the purported failure of the declaration filed 10 July 2006 to be properly executed, is appropriately **VACATED**.

¹An additional Form PCT/IB306 included with the present response indicates that a second inventor identified on the published international application, Angelika MOLLEMANN, was also deleted from the application during the international phase.

This application is being referred to the DO/EO/US for further processing in accordance with this communication. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 July 2006.

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